

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,	:	Crim. No. 03-187 (JLL)
v.	:	
HERBERT S. POWELL,	:	ORDER
Defendant	:	

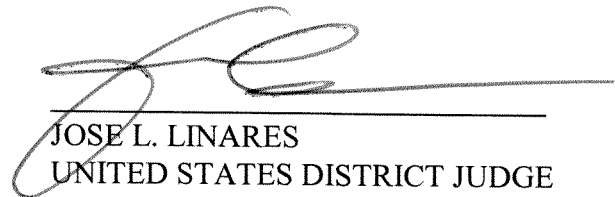
Currently before this Court is a motion filed on July 9, 2012 by defendant Herbert Powell to suspend and/or terminate his obligation to make restitution and to pay a special assessment of \$200. The United States submitted a letter in lieu of brief in response. The Court has considered the submissions in support of and in opposition to defendant's motion and finds that:

1. The outstanding balance on the joint and several restitution ordered as part of defendant's January 31, 2005 judgment of conviction is approximately \$13,626.36. In addition, defendant owes an outstanding balance on his special assessment fee of \$175.
2. Pursuant to the Mandatory Victims Restitution Act, this Court is required to order restitution to all victims in the full amount of each victim's losses, without consideration of the economic circumstances of the defendant. See 18 U.S.C. §§ 3663A(a)(1); 3664(f)(1)(A).
3. The liability to pay restitution does not terminate until the later of 20 years from the entry of judgment, or 20 years after the release from imprisonment. See 18 U.S.C. § 3613(b) and (f).
4. Although this Court has the authority to adjust the defendant's monthly restitution payment schedule, the "interests of justice" do not require such an adjustment in this case. See 18 U.S.C. § 3664(k).
5. The obligation to pay a special assessment ceases five years after the date of the judgment. See 18 U.S.C. § 3013(c).

IT IS THEREFORE on this 6th day of August, 2012,

ORDERED that Defendant Powell's motion to suspend or terminate his restitution obligation is DENIED, and it is further

ORDERED that Defendant Powell's obligation to pay the remaining balance of his special assessment fee is hereby TERMINATED.



JOSE L. LINARES
UNITED STATES DISTRICT JUDGE